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COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Gregory A. Whirley
Commissioner

July 20, 2012

Colonel Paul B. Olsen, P.E.
District Commander
United States Corps of Engineers, Norfolk District
803 Front Street
Norfolk, Virginia 23510-1096

Dear Colonel Olsen:

It was a pleasure to meet with you on July 12th and to discuss issues of common interest between the Corps of Engineers (Corps) and the Virginia Department of Transportation (VDOT). I am writing to follow-up on discussions regarding the Route 460 project. I am concerned that your agency's preliminary conclusions regarding the Least Environmental Damaging Practicable Alternative (LEDPA: CBA-2) overlooks critical information and will result in this important project not moving forward.

The alternative selected by FIIWA, Modified CBA-1, is the alternative identified in the Final EIS as the preferred alternative. Modified CBA-1 would be constructed on new location throughout the study south of existing 460. It is the result of several resolutions issued by the Commonwealth Transportation Board (CTB) and is similar to CBA-1 evaluated in the draft except for an alignment shift in Isle of Wright County. This alignment shift resulted in a reduction in wetland impacts by 9 acres and residential impacts by 14. In response to a comment received on the FEIS from the Environmental Protection Agency regarding the LEDPA, FHWA noted in the Record of Decision that, "[a]fter balancing all the factors, FHWA finds that CBA-1 is the best alternative in terms of both environmental considerations and in the meeting the purpose and need." FHWA considered comments made by the Corps on the Draft EIS and those received 4 months after the Record of Decision, but still believe that, all things considered (including wetland impacts), modified CBA-1 is the best option. We would appreciate your favorable consideration of the following items FHWA, the Commonwealth Transportation Board, and VDOT examined in the selection of Modified CBA-1:

- **Safety:** Limited access highways, such as proposed for CBA-1, have the lowest accident, injury, and death rate per vehicle mile than any other roadway type. They provide greater potential for safety benefits as compared to CBA-2. Access to existing properties adjacent to CBA-2 would be necessary and create safety issues not associated with CBA-1. Also, a major user of the new facility will be trucks travelling between the ports and points west. The Port of Norfolk is one of the few ports able to accommodate the new large cargo ships and, accordingly, the port anticipates a substantial increase in truck traffic. CBA-1 would be better suited to safely accommodate this truck traffic. Safety is a primary component of the purpose and need of the project.
- **Travel time savings:** Travel time savings, another component of the purpose and need, favors CBA-1 over CBA-2. As reported in the Draft EIS, from Petersburg to Wakefield, based on 2003 conditions, travel time decreases with CBA-1 by 5 percent. With CBA-2, travel time increases by 5 percent. From Petersburg to Suffolk, travel time decreases with CBA-1 by 18 percent, while decreasing only 3 percent with CBA-2.
- **Hurricane evacuation:** Hurricane evacuation, another purpose and need issue, favors CBA-1 over CBA-2. Hurricane evacuation capability is directly related to roadway capacity which is obviously greater for CBA-1. CBA-1 provides two new travel lanes per direction between the Suffolk Bypass and Interstate 295 for the entire corridor (55 miles). Additional roadway capacity associated with CBA-2 is primarily limited to bypasses of existing communities along 460.
- **Local government support:** More local governments expressed official support for CBA-1 than for the other alternatives.
- **Public Support:** During the location hearings of July 2005, the public was asked to identify their preferred alternatives. Among those that submitted a preference, CBA-1 received the most support (with approximately 47 percent of the attendees, followed by CBA-2 with approximately 12 percent).
- **Toll feasibility:** Another important issue mentioned in the NEPA document relates to a toll feasibility study. VDOT has a nationally recognized program for public-private partnerships (P3), and is now considering a P3 initiative for this project. The Draft EIS noted that CBA-2 is not a candidate for tolling because it is not entirely a limited access facility, and only 55 percent of its length can be effectively tolled. CBA-1 meets these requirements. Private section involvement

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in financing is also emphasized in the new federal transportation bill signed into law by the President on July 6th, where Congress states: "Encouraging private sector involvement in project financing and delivery while enhancing safety and protecting the environment" is now a national transportation policy (Moving Ahead for Progress in the 21st Century Act, or MAP-21, Section 1301).

In its decision, FHWA recognized the Corps preliminary support of CBA-2, but its decision also determined the items above outweighed the concerns for differences in wetland impacts. Wetland impacts for modified CBA-1 stand at 129 acres (based on the CTB requested alignment shift in Isle of Wright County for CBA-1 and the 230' wide design corridor); wetland impacts for CBA-2 are 110 acres. While we recognize your authority for separate project decision under the Clean Water Act, it is important to note that Congress stated in MAP-21 that "it is the policy of the United States that...the Secretary shall have the lead role among federal agencies in carrying out the environmental review process for surface transportation projects...each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects" (MAP-21, Section 1301).

In its comments the Corps also noted that any application for permits would need to provide documentation of minimization of impacts on both CBA-2 and CBA-1. Avoidance and minimization measures for alternatives including CBA-1 and for CBA-2 have already occurred to a large extent and are documented in the Draft EIS and Final EIS. Additional avoidance and minimization measures for the CBA-1 will continue to be enhanced by the fact that it is not encumbered by an existing facility and its adjacent developed property. We do not believe additional comparison is necessary as it is obvious that CBA-1 is the appropriate alternative to move forward. We realize that efforts to avoid and minimize impacts to CBA-1 must continue during the design, right of way, and construction phases. Some of these future efforts are documented in the ROD for the project.

Based on this information, we would appreciate your reconsideration of the Corps preliminary determination of CBA-2 as the LEDPA. Balancing safety, local government and public support, tolling options, travel time savings, hurricane evacuation and impacts it is clear that CBA-1 is the alternative in the best public interest. If you need any additional information, please let me know.

Sincerely,



Richard L. Walton, Jr.
Chief of Policy and Environment

Cc: Ms. Irene Rico, FHWA